

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
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)	
v.)	Criminal No. 03-30008-MAP
)	
)	
)	
JOSE MERCED, et al.,)	
Defendants)	

FINAL STATUS REPORT
September 21, 2004

NEIMAN, U.S.M.J.

The court held a final status conference yesterday with regard to all but two of the defendants, Pedro Delgado (who will have a final status conference on September 28, 2004) and Manuel Colon (who is in the midst of a change of attorneys). In accord with Local Criminal Rule 116.5(D), the court reports as follows:

1. This case presently concerns twenty-six defendants, one of whom (Emilio Navedo) has died and for whom the Government is still awaiting a death certificate.¹
2. The following seven defendants have already changed their pleas to guilty: Jose Merced, Carlos Pizarro (due to be sentenced on September 27, 2004), Carlos Morales, Zenia Sanchez, Carlos Orlando Morales, Ana Gonzalez and Taiwan Jones. The Government reports that one

¹ Another individual, Eddiefonso Ortiz, was named in the original indictment but, having died in the interim, was dropped from the second superseding indictment.

defendant, Sirjeffory Smith, intends to change his plea and that two defendants, Francisco Flores and Tal Hosey, are presently in plea negotiations. Thus, at the present time, a trial can be expected at least for the remaining fifteen defendants as follows: Daniel Almonte, David Gonzalez, Abraham Colon, Jacqueline Colon, Cirilo Delgado, Jose Diaz, Carmen Louise Rodriguez, William Torres, Chris Ortega, Manuel Colon, Pedro Delgado, Sean Garcia, Robert Martin, Charles Winston and Jose Garcia.

3. The parties estimate that a trial will take four weeks. An initial pretrial conference has been scheduled for October 27, 2004, at 2:00 p.m. in Courtroom I.
4. The court has established a schedule for motions to suppress, which motions should be joined by the time of the initial pretrial conference. At least three defendants have indicated that they would be filing such motions. One other motion, a motion to join with regard to Charles Winston, should be ripe for the trial court at the time of the initial pretrial conference as well.
5. Defendants do not intend to raise defenses of insanity or public authority.
6. Practically all discovery has been completed. There is an outstanding discovery motion which this court will rule on within the next two weeks.
7. The parties report and the court finds that no time has run on the Speedy Trial clock as of today. An Order of Excludable Delay will issue.
8. There are no other matters relevant to the progress or resolution of the

case.

DATED: September 21, 2004

/s/ Kenneth P. Neiman
KENNETH P. NEIMAN
U.S. Magistrate Judge